

REGULAR MEETING AND PUBLIC HEARING
OF THE FALLS CHURCH PLANNING COMMISSION
MARCH 2, 2009
Council Chamber

1. CALL TO ORDER: Chair Lawrence called the meeting to order at 7:46 p.m.

2. ROLL CALL:

Members Present:	Ms. Hockenberry
	Mr. Lawrence
	Mr. Meeks
	Ms. Rodgers
	Ms. Teates
	Mr. Wodiska

Member Absent:	Mr. Kearney
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Administrative Staff Present:	Ms. Cotellessa, General Manager of Development Services and Planning Director
	Ms. Debra Gee, Planning Specialist
	Ms. Perry, Senior Planner

Chair Lawrence advised the commissioners Mr. Kearney had called him prior to the meeting advising him he was ill and would not be attending.

3. ADOPTION OF AGENDA:

MOTION: Ms. Rodgers moved, and Ms. Teates seconded, to adopt the agenda as presented.

Upon voice vote, the motion passed unanimously.

4. PLANNING COMMISSION REPORTS:

Chair Lawrence informed the audience the Planning Commission held their first retreat session last Saturday. Many ideas were shared and good ideas brought forth. He declared it a success and thought it should be done more often.

Ms. Hockenberry agreed and thanked staff for all the work involved and how smoothly everything went.

Ms. Rodgers reported she attended the ZOAC meeting where they went over Module One in great detail and identified a lot of policy issues that would have to be addressed and changes in the text due to technical corrections or typos. Nothing had been changed in the first module yet and staff was going to do more work on it.

Ms. Rodgers further reported they were meeting every week between now and June the 10th, with the next meeting occurring March 11th. They'll be going over the same module and later in April they'll be getting the second module.

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Ms. Hockenberry reported that the Arts and Cultural Task Force had met twice so far, with Nikki Henderson as chair and Cindy Mester as staff advisor. Everyone was doing research on different jurisdictions and what they were doing. There was a lot of work going on, not only in Virginia but in Maryland and North Carolina. Barb Cram had taken control of gathering an extensive list of events occurring in Falls Church.

5. RECEIPT OF PETITIONS: None.

6. PLANNING DIRECTOR'S REPORT/WORKSESSION SCHEDULE:

Ms. Cotellessa reported that items which would be brought up in the next meeting included a worksession on the 2009 work program to lay out all of the meetings for the year and some of the items discussed at the mini retreat Saturday would be brought forward at the work program. One of the items which she would talk about later was a brief review of ethics regulations with respect to doing Planning Commission hearings, if one of the commissioners had a tangential personal interest in, what the best way to approach that would be. The APA bylaw section was appended to the Rules and Procedures and several other items mentioned at the retreat could be items Mike Chandler might come in to talk to the commissioners about as well. Ms. Cotellessa noted at the next meeting there will be a worksession item trying to put together a short list of issues that Mr. Chandler might talk to them about.

Ms. Cotellessa passed out to the commissioners a copy of the Economic Development study showing the mixed use development fiscal impact comparisons regarding three of the City's developments, the Byron, Pearson Square, and the Spectrum. Assumptions had been very conservative in nature and based on some of the figures, they seemed to be fairly well outperforming the minimums expected from new development. Taken out of the numbers was vacant space. The study hadn't accounted for what will happen when that comes in, so the numbers should be better in the long run.

What Ms. Cotellessa found most interesting, besides the fact that the numbers seemed to be supportable and conservative, was the number of school children coming from the developments. They were looking at about a .15 ratio for the Byron, Pearson Square and Spectrum, assuming that was a fairly rational number; whether it's the City's excellent schools or the times, a much higher ratio of students were coming out of the apartments and condominiums. Pearson Square was very telling: The ratio was about .22 instead of the .15. That will be followed as the Spectrum and the others fill. This was currently being discussed at the City Council worksession.

Ms. Cotellessa advised the Commission a project was underway to link some of the development approvals for special exceptions, rezonings and variances to the actual address where the development has taken place in the GIS system. The eventual goal is to be able to click on an address and bring up what development was approved, when, what the conditions are, and photos of the site. They're going to do their best to capture all old approvals and pull them into a data base. This would be useful to know the history of a site.

Another change resulting from the retreat will be the recording secretary will have an electric timer which will ring after three minutes and cards would be held up to signal to the Chair when a speaker had a minute left to go so the Chair would be able to let the speaker know their time was winding down. Motions would be taken

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down right away and if there was a need to read back the motion, the recording secretary would have the same shell as the commissioners to read back the motion.

Chair Lawrence commented since many of those things were just discussed last week at the retreat, it was wonderful they were already happening.

Ms. Hockenberry wished to advise the commissioners the Spectrum had received a signed letter of intent for a brew pub called Mad Fox out of Middleburg, Virginia.

7. OLD BUSINESS: None.

8. NEW BUSINESS:

Application 20090050, by Ravi Garg, owner, for renewal of a Special Use Permit U1466 for a Major Home Occupation (accounting office), in accordance with Section 38-16(c)(10) on premises known as 1000 South Washington Street, Lot 502, Section 5 of Greenway Downs of the Falls Church Real Property Identification Map, zoned R-1B, Medium Density Residential.

Ms. Debra Gee presented the staff report.

The item on the agenda was a renewal of the special use permit. The City Code permits two types of special use permits for home occupations: A minor home occupation means that the business-owner conducts his business from his home but does not traditionally have clients come to the home; A major home occupation, there are anticipated clients that come to the home.

Mr. Garg, the applicant, was proposing to renew his special use permit which he has had with the City for over 16 years at his home at 1000 South Washington Street. Over the years Mr. Garg has continued to apply for renewals which have been granted and there have never been any written complaints about conducting business at that location.

In the staff report Miss Gee noted previously Mr. Garg voluntarily agreed to certain conditions on his business, about the times of business he would operate and the number of clients he would see on a daily basis. Because he's on a major thorough-fare, it's difficult for cars to park in the driveway and get out safely. It is a short driveway and cars have to back out onto South Washington Street. However Mr. Garg is located in the middle of the block and it's a short, walkable distance from the two public streets nearby. Miss Gee had anticipated Mr. Garg's presence this evening, however he did not appear. She advised the commissioners that the Board of Zoning Appeals meeting had been advertised for the 14th of March and the staff's recommendation was the Planning Commission recommend to the Board of Zoning Appeals that the special use permit be renewed for an indefinite period of time.

Mr. Wodiska wanted to know more about the indefinite renewal period of the application and what were the benefits for the City in doing that, and if there was precedent for doing that sort of thing with other locations.

Ms. Gee replied there has been precedent for indefinite renewals. Having an indefinite renewal didn't require Mr. Garg to come back after every 5 year period; however if the City received any complaints about the operation of the business or concerns expressed that he wasn't abiding by his voluntary concessions, there would be an opportunity to review the application again and perhaps suspend the special

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use permit.

Mr. Wodiska asked if the check and balance regarding that was entirely dependent on written complaints from neighbors.

Ms. Gee answered they didn't necessarily need to be written. They could be e-mail or telephone complaints which would be investigated by the Zoning Administrator's Office.

Mr. Wodiska asked what the usual time period for renewal was. Ms. Gee informed the commissioners she had personally sat in Planning Commission meetings where the recommendation had been for indefinite periods and usually it's not after an exhaustive period of time. Sometimes they're renewed indefinitely at 7 years and sometimes at 10 years.

Mr. Wodiska inquired if that was at the request of the applicant as opposed to something triggered by the City. Ms. Gee explained in this particular case Mr. Garg did ask for an indefinite renewal and the City supports that given there's been no complaints.

MOTION: Mr. Wodiska moved, and Ms. Teates seconded, that the Planning Commission recommend that the Board of Zoning Appeals approve Application 20090050 for the subject property known as 1000 South Washington Street with the following conditions:

- 1: That the hours of operation are from 9 a.m. to 6 p.m. on Monday through Friday and from 9 a.m. to 8 p.m. Monday through Saturday during tax season defined as February 15th to April 15th;
- 2: That the maximum number of clients per day will be four except during tax season when the maximum number per day would be nine;
- 3: That the office be located on the main level of the house;
- 4: That this special use permit be used for this applicant only and not be transferred to another person or property; and
- 5: That the application be approved indefinitely.

Upon roll call vote, the motion passed unanimously.

B: Application 20090004, Subdivision, 411 East Jefferson.

Ms. Elizabeth Perry presented the staff report.

Regarding Subdivision Application 20090004, the subject property located at 411 East Jefferson Street, Ms. Perry reported the lot contains approximately 20,000 square feet of land area and is developed with a single family detached dwelling. The proposed subdivision as indicated on plats contained in the staff report would subdivide the parcel into two lots, one indicated as Parcel A which would have approximately 17,000 square feet of land area and remain for single family detached dwelling; and Parcel B with approximately 3,000 square feet of land area proposed for eventual incorporation into the City's abutting Crossman Park. Subject property is zoned R-1A, low density residential. The Comprehensive Plan designates the area as low density residential as well. Nearby properties are similarly zoned and developed.

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On October 27, 2008, City Council by resolution approved the purchase of the property indicated as Parcel B on the plat in the staff report. That purchase of land had been reviewed and recommended for approval by the Planning Commission. Staff referred the application to the Historical Commission for review of the subdivision name. The Historical Commission reported there was no objection to the proposed subdivision name of Ross E. and Sheila D. Johnson, trustees.

To date staff has received one letter from the public in support of the application. It's also noted the residential lot, proposed Parcel A, would not contain enough land area to be resubdivided in the future for another residential lot.

Staff recommendation had changed slightly since the staff report was issued. Initial staff review indicated the signatures as shown on the plats do meet Code requirements; however staff would like additional time for the city attorney to make that verification.

Accordingly, the staff recommendation is as follows: Planning Commission give preliminary and final approval of Subdivision Application 20090004 for 411 East Jefferson Street, subject to staff administrative review and confirmation that all legally required signatures have been obtained and such plat shall be brought to the chair of the Planning Commission for signature.

Ms. Rodgers inquired if this was something that happened because the land owner decided they wanted to sell a piece of land or the City approached the landowner.

Ms. Perry said it happens both ways. She noted Mr. Danny Schlitt from Parks and Rec was present to answer any further questions regarding that process.

Mr. Schlitt said Ms. Perry was correct that it has happened both ways. One had been done at 416 East Jefferson a few years ago, and that was a piece of property, when it was for sale at some point they realized it may have been a nice piece and the City approached the seller at that time as part of the open space acquisition. This time the property owner, Mrs. Johnson, realized they were doing that and also realized it would be a nice addition to the park as well, and asked if they were interested and the City took it from there.

Ms. Rodgers also remembered the discussion at the Parks and Rec meeting. She pointed out one of the reasons they did that was they were always looking for more open space land to add to the parks.

Chair Lawrence inquired if they had all the parcels they wanted there. Mr. Schlitt advised it was a perfect fit at this point. At some point in time there was a conversation at one of the Recreation Parks Advisory Boards that some of the parks were put together this way. To say it was the last piece would be potentially incomplete right now. There was no other piece currently in consideration.

Mr. Meeks noted there has always been a question about the bamboo and that approximately 90 percent would be taken out but not all of it and what would happen then. Mr. Schlitt explained it was the City's intention as soon as the two simultaneous pieces happen, the actual closing and purchase of the land, the process here was to put a new fence line in and remove the bamboo which would then be on City property, as happened in the other piece of land on East Jefferson, and that would be turned into open parkland.

Ms. Teates mentioned there was a habitat restoration team that works with Jeremy Edwards, the urban forester, and there is a plan to replant the area with native plants. They've been working at Crossman Park for over two years removing non-native species and putting native species back in. Everything depending on budget.

Chair Lawrence asked if the City asked property owners permission to remove their bamboo. Mr. Schlitt didn't know if that had been discussed but it was something that could be further looked into.

MOTION: Mr. Meeks moved, and Ms. Teates seconded, that the Planning Commission give preliminary and final approval of Subdivision Application No. 20090004 for 411 East Jefferson Street, subject to staff administrative review and confirmation that all legally required signatures have been obtained and that such plats shall be brought to the Chair of the Planning Commission for signature.

Upon roll call vote, the motion passed unanimously.

9. **OTHER BUSINESS:** None.

10. **APPROVAL OF THE MINUTES:** February 17, 2009

Chair Lawrence recalled at the last meeting he had asked the Transwestern Powerpoint be put into the minutes. Ms. Cotellessa inquired whether that meant to append them to the minutes. Chair Lawrence said as long as it's with the record for that day, they didn't have to be physically attached to the minutes. Ms. Cotellessa noted it was in the file for that meeting.

MOTION: Ms. Teates moved, and Ms. Hockenberry seconded, to approve the minutes as amended.

Upon voice vote, the motion passed unanimously.

11. **ADJOURNMENT:**

Ms. Rodgers moved, and Ms. Teates seconded, to adjourn the meeting at 8:16 p.m.

Respectfully Submitted,

Noted and Approved:

Ann Hieber
Recording Secretary

Suzanne Cotellessa, AICP
Planning Director

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